

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

J. KENNETH KEARNEY USA LTD.,

Plaintiff,

v.

DAVID SMITH

Defendant.

CIVIL ACTION

NO. 04 CV 12643 RCL

JOINT STATUS REPORT

Pursuant to the Court's February 28, 2006 Order, plaintiff J. Kenneth Kearney USA LTD and defendant David Smith file this Joint Status Report to inform the Court of the current status of this matter. In January 2006, the parties executed a settlement agreement ("Agreement") that provides for the dismissal of this litigation upon the occurrence of certain events. The parties are currently working to effectuate the conditions of the settlement and the dismissal set forth in the Agreement, and anticipate such conditions occurring within the next thirty (30) days, upon which a stipulation of dismissal would be filed.

Respectfully submitted,

J. KENNETH KEARNEY USA LTD.
By its attorneys,

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March 13, 2006

DAVID SMITH
By his attorneys,

/s/ Windy L. Rosebush (w/ permission)
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Certificate of Service

I hereby certify that on March 13, 2006 I served a true and accurate copy of Joint Status Report on all counsel of record electronically.

Dated: March 13, 2006

/s/ Kristin M. Cataldo
Kristin M. Cataldo